REMARKS

Claims 1-9, 11-24, 26 and 27 are currently pending in the subject application and are presently under consideration. A version of all pending claims is at pages 2-7. Claims 13, 23, and 27 have been amended herein. Applicants' representative notes with appreciation the indication that claims 1-9, 11-12, 26 have been deemed allowable.

Furthermore, Applicants' representative respectfully requests rejoinder of the non-elected method claims pursuant to MPEP §821.04 and 37 C.F.R. §1.121. In view of the following amendments and comments, the method claims 13-24 now recite "all limitations of the allowed patentable product" and meet the requirements of 35 U.S.C. §§101, 102, 103 and 112. Accordingly, the Examiner is incorrect in refusing to enter the herein amendments and to rejoin the non-elected method claims. The rejoinder provisions MPEP §821.04 and 37 C.F.R. §1.121 state that entry of such amendments are a matter of right. Thus, the amendments should be entered and the application allowed.

In view of the delays associated with the Examiner's refusal to enter the rejoinder amendments, applicants' representative has filed a Notice of Appeal to keep prosecution open. Upon the Patent Office confirming that entry of the herein amendments are a matter of right and entry thereof by the Examiner is required, waiver and/or credit of the Notice of Appeal fee is respectfully requested.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Substance of the Interview

The substance of the interview held November 10, 2005 was that the Examiner still maintains that the Advisory Action mailed September 19, 2005 is valid and will not enter the proposed amendments submitted after final on September 9, 2005 because the method claims do not include all the limitations of the allowable claims and do not have the exact components as the system claims. Applicants' attempts to amend the non-elected claims to recite the exact components of the system claims has been denied due to the finality of the previous office action dated August 24, 2005.

8

II.   Rejection of Claim 27 Under 35 U.S.C. §112, first paragraph

Claim 27 stands rejected under 35 U.S.C. §112, first paragraph as based on a disclosure which is not enabling. An etching component (i.e. "means for etching") and stored accepted etching parameters in the processor are critical or essential to the practice of the invention, but not included in the claim(s). Claim 27 has been amended to incorporate all structural limitations recited in the allowed system claims. Accordingly, withdrawal of this rejection is respectfully requested.

III.   Rejection of Claim 27 Under 35 U.S.C. §112, second paragraph

Claim 27 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject mater which applicant regards as the invention. The means-plus-function format must be interpreted as corresponding to structures described in the specification or equivalents thereof. Claim 27 has been amended to incorporate all structural limitations recited in the allowed system claims. Accordingly, withdrawal of this rejection is respectfully requested.

09/845,454   F0662/ AMDP662US
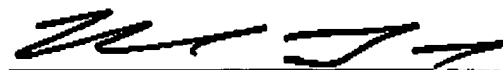
CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [AMDP662US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP

Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731

10